

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
THE BLU MARKET, INC.

DEFENDANTS
OGMOBI, LLC and TOM VOITIK

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
CHARLES R. MACEDO/JESSICA A. CAPASSO
AMSTER ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE, NEW YORK, NY 10016

ATTORNEYS (IF KNOWN)
STEVEN M. KAPLAN, ESQ.
KAPLAN KRAVET & VOGEL, P.C.
630 THIRD AVENUE, NEW YORK, NY 10017, (212) 983-6900

**CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)**

**REMOVAL OF STATE COURT ACTION BASED ON DIVERSITY OF CITIZENSHIP UNDER 28 USC §1332 AND FEDERAL QUESTION
Under §1332(d)(1) and §1333 et seq.**

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

		TORTS	ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY	[] 625 DRUG RELATED SEIZURE OF PROPERTY	[] 422 APPEAL 28 USC 158	[] 375 FALSE CLAIMS [] 400 STATE REAPPORTIONMENT	
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	21 USC 881	[] 423 WITHDRAWAL 28 USC 157	[] 410 ANTITRUST [] 430 BANKS & BANKING [] 450 COMMERCE [] 460 DEPORTATION	
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 690 OTHER		[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY				[] 480 CONSUMER CREDIT [] 490 CABLE/SATELLITE TV	
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY		[] 820 COPYRIGHTS	[] 850 SECURITIES/COMMODITIES/EXCHANGE	
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD		[] 830 PATENT		
[] 152 RECOVERY OF DEFECTUALD STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING		[] 840 TRADEMARK		
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	LABOR	[] 861 HIA (1385f) [] 862 BLACK LUNG (923) [] 863 DIWC/DIWVW (405(g)) [] 864 SSID TITLE XVI [] 865 RSI (405(g))	[] 890 OTHER STATUTORY ACTIONS [] 891 AGRICULTURAL ACTS	
[] 160 STOCKHOLDERS SUITS	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 385 PROPERTY DAMAGE	[] 710 FAIR LABOR STANDARDS ACT			
[] 180 OTHER CONTRACT			[] 720 LABOR/MGMT RELATIONS			
[] 195 CONTRACT PRODUCT LIABILITY	ACTIONS UNDER STATUTES	[] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	[] 740 RAILWAY LABOR ACT			
[] 196 FRANCHISE	CIVIL RIGHTS	[] 530 HABEAS CORPUS [] 535 DEATH PENALTY [] 540 MANDAMUS & OTHER	[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[] 870 TAXES (U.S. Plaintiff or Defendant) [] 871 IRS-THIRD PARTY 26 USC 7609	[] 893 ENVIRONMENTAL MATTERS [] 895 FREEDOM OF INFORMATION ACT [] 896 ARBITRATION [] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	
REAL PROPERTY	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)		IMMIGRATION		[] 850 CONSTITUTIONALITY OF STATE STATUTES	
[] 210 LAND CONDEMNATION	[] 441 VOTING [] 442 EMPLOYMENT [] 443 HOUSING/ACCOMMODATIONS	PRISONER CIVIL RIGHTS	[] 462 NATURALIZATION APPLICATION			
[] 220 FORECLOSURE	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 550 CIVIL RIGHTS [] 555 PRISON CONDITION	[] 465 OTHER IMMIGRATION ACTIONS			
[] 230 RENT LEASE & EJECTION	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT				
[] 240 TORTS TO LAND	[] 448 EDUCATION					
[] 245 TORT PRODUCT LIABILITY						
[] 290 ALL OTHER REAL PROPERTY						

Check if demanded in complaint:

**CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23**

**DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:**

DEMAND \$ 1,000,000 OTHER _____ JUDGE _____ DOCKET NUMBER _____

*Check YES only if demanded in complaint
JURY DEMAND: YES NO*

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- | | | | | | | |
|--|--|--|---|--|---|--|
| <input type="checkbox"/> 1 Original Proceeding | <input checked="" type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment |
| | | <input checked="" type="checkbox"/> a. all parties represented | | | | |
| | | <input type="checkbox"/> b. At least one party is pro se. | | | | |

ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 1 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5	DEF <input type="checkbox"/> 1 <input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 1 <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 1 <input type="checkbox"/> 6	<input type="checkbox"/> 1 <input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

THE BLU MARKET, INC.
400 BROOME STREET, 11TH FLOOR
NEW YORK, NY
(NY COUNTY)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

OGMOBI, LLC, 222 MERCHANDISE MART PLAZA, STE. 1212, CHICAGO, IL 60654
(COOKE COUNTY)

TOM VOITIK, 2124 N. HUDSON, CHICAGO, IL 60614 (COOKE COUNTY)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: **THIS ACTION SHOULD BE ASSIGNED TO:** WHITE PLAINS MANHATTAN
(DO NOT check either box if this is a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE SIGNATURE OF ATTORNEY OF RECORD *[Signature]* 7/13/15 ADMITTED TO PRACTICE IN THIS DISTRICT

RECEIPT #

NO
 YES (DATE ADMITTED Mo. 11 Yr. 93)
Attorney Bar Code # 2531622

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)